



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

#3

8/860703

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/860,703	DOBOECK	A 5083

INTERNATIONAL APPLICATION NO.
PCT/BE96/00002

5611

JEROLD I. SCHNEIDER  
DORSEY & WHITNEY LLP  
1330 CONNECTICUT AVENUE NW  
SUITE 200  
WASHINGTON DC 20036

I.A. FILING DATE	PRIORITY DATE
01/10/96	01/10/95

DATE MAILED: 08/12/97

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ non-English language.  
☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 09 JUL 1997 and

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). PAID

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

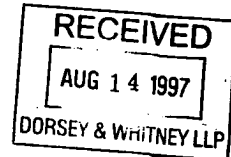
Enclosed: ☐ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation

Michelle Reed Mosley  
Patent Specialist

FORM PCT/DO/EO/905 (September 1996)

Telephone: (703) 305 3735



DOCKETED

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

5083

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

08/860,703

INTERNATIONAL APPLICATION NO.  
PCT/BE96/00002INTERNATIONAL FILING DATE  
10 January 1996PRIORITY DATE CLAIMED  
10 January 1995

## TITLE OF INVENTION

PHARMACEUTICAL COMPOSITION CONTAINING FENOFIBRATE AND POLYGLYCOLIZED GLYCERIDES

## APPLICANT(S) FOR DO/EO/US

Arthur M. DEBOECK, Philippe BAUDIER, and Paul J. MAES

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 13 to 18 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.  
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☒ Other items or information:
  - a. Response to Notification of Missing Requirements Under 35 U.S.C. 371; and
  - b. Copy of Notification of Missing Requirements Under 35 U.S.C. 371 dated August 12, 1997.

U.S. APPLICATION NO. (IF KNOWN) <b>08/860,703</b> SEE 37 CFR	INTERNATIONAL APPLICATION NO. <b>PCT/BE96/00002</b>	ATTORNEY'S DOCKET NUMBER <b>5083</b>
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19. The following fees are submitted:.

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :**

Search Report has been prepared by the EPO or JPO .....	\$910.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) .....	\$700.00
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....	\$770.00
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$1,040.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....	\$96.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

**CALCULATIONS PTO USE ONLY**

Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <span style="float: right;"><input type="checkbox"/> 20 <input type="checkbox"/> 30</span>		\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =	0	x \$22.00
Independent claims	- 3 =	0	x \$80.00
Multiple Dependent Claims (check if applicable). <span style="float: right;"><input type="checkbox"/></span>			\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>			\$0.00
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <span style="float: right;"><input type="checkbox"/></span>			\$0.00
<b>SUBTOTAL</b>			\$0.00
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). <span style="float: right;"><input type="checkbox"/> 20 <input type="checkbox"/> 30</span>		+	\$0.00
<b>TOTAL NATIONAL FEE</b>			\$0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <span style="float: right;"><input checked="" type="checkbox"/></span>			\$40.00
<b>TOTAL FEES ENCLOSED</b>			\$40.00
			Amount to be refunded
			charged

☒ A check in the amount of **\$40.00** to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **04-1425** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**Jerold I. Schneider**  
**Dorsey & Whitney LLP**  
 1330 Connecticut Avenue, N.W.  
 Suite 200  
 Washington, D.C. 20036  
 Telephone: (202) 452-6900  
 Facsimile: (202) 857-0569

SIGNATURE

**Jerold I. Schneider**

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NAME

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**24,765**

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REGISTRATION NUMBER

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**August 20, 1997**

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DATE

RDN  
9/3/97

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Inventors : Arthur M. DEBOECK et al.

Serial No. : 08/860,703

Filed : 9 July 1997

International  
Application No. : PCT/BE96/00002International Filing  
Date : 10 January 1996For : PHARMACEUTICAL COMPOSITION CONTAINING  
FENOFIBRATE AND POLYGLYCOLIZED GLYCERIDES

Attorney Docket No: 5083

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RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C. § 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTENTION: BOX PCT

Dear Sir:

In response to the letter of August 12, 1997, submitted herewith are:

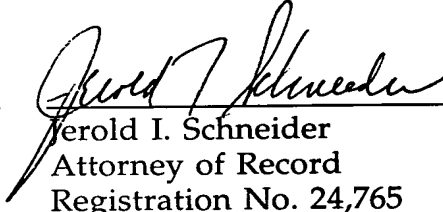
Declaration in accordance with 37 C.F.R. § 1.63.

Assignment and \$ 40.00 recording fee.Copy of the U.S. Patent and Trademark Office letter of  
August 12, 1997.TOTAL FEE SUBMITTED \$ 40.00

Should no remittance be attached, or should any additional fee be required, please charge our Account No. 04-1425 and advise us accordingly.

Respectfully submitted,

Dated: August 20, 1997



Gerald I. Schneider  
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